

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

KUMON NORTH AMERICA, INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 07 C 7254
)	
STEPS TO SUCCESS, INC.)	JUDGE NORGLER
and PALI SHAH,)	MAGISTRATE JUDGE SCHENKIER
)	
Defendants.)	
)	

DEFENDANTS' MOTION FOR PROTECTIVE ORDER REGARDING DEPOSITIONS

Steps to Success, Inc., as a party interested in avoiding the harassment of its contract employees, respectfully requests that the court enter a protective order, in the form attached hereto, requiring that counsel for Kumon meet their obligations under Fed. R. Civ. P. 45(c)(1) to take reasonable steps to avoid imposing undue burden or expense on proposed deponent Christina Kelley or any other person subject to a deposition subpoena served by counsel for Kumon. For the reasons states in the Memorandum In Support Of Motion For Protective Order And In Opposition To Motion To Compel Regarding Depositions And Motion To Show Cause Against Christina Kelley filed herewith, the Order is necessary to protect the deponents from undue burden and harassment.

WHEREFORE, Steps to Success, Inc. and Christine Kelley request that the court enter an order:

1. Requiring Kumon to conduct the depositions, if any, of the contract employees of the Steps to Success, Inc. at the office available in Hoffman Estates or at some other location close to Hoffman Estates;
2. Requiring Kumon to conduct the depositions only after the proposed witnesses have completed work or school or after-school activities such as sports or as otherwise agreed to by the witness; and
3. Require Kumon to take reasonable steps to avoid imposing undue burden or expense upon the proposed deponents;
4. Award Steps to Success, Inc. its reasonable attorneys' fees associated with these pleadings; and
5. Grant such other and further relief as the court deems appropriate.

STEPS TO SUCCESS, INC.,
By its attorneys,

/s/ Rory A. Valas
Rory A. Valas
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CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 37.2

Defendants hereby certify that efforts were made including efforts through a telephonic conference on April 29, 2008 between Rory Valas, counsel for Defendants, and Danielle Keys, counsel for Kumon and e-mails to narrow the issues involved in this discovery dispute and such efforts were unsuccessful. Counsel has fulfilled the “meet and confer” requirements of the rules and the parties have been unable to reach agreement.

Signed under the penalties of perjury:

/s/ Rory A. Valas